

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1760

Introduced by Assembly Member Santiago

(Principal coauthors: Assembly Members Campos and Weber)

(Principal coauthor: Senator Liu)

(Coauthors: Assembly Members Cristina Garcia and Maienschein)

February 2, 2016

An act to amend Sections 1522.41 and 1529.2 of the Health and Safety Code, to amend Sections 236.1 and 13519.14 of, and to add Section 236.21 to, the Penal Code, and to amend Sections ~~300, 16206, and 16540~~ 300 and 16206 of, and to add *and repeal* Chapter 4 (commencing with Section 2200) ~~and Chapter 5 (commencing with Section 2300)~~ to of Division 2.5 of, the Welfare and Institutions Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as amended, Santiago. Human trafficking.

(1) Under existing law, as amended by Proposition 35, an initiative measure approved by the voters at the November 6, 2012, statewide general election, a person who deprives or violates another person's personal liberty with the intent to obtain forced labor or services or who deprives or violates another person's personal liberty *with the intent to obtain forced labor or services* or for the purpose of prostitution or sexual exploitation is guilty of human trafficking, a felony. Proposition 35 provides that it may be amended by a statute in furtherance of its

objectives by a majority of the membership of each house of the Legislature concurring.

This bill would require a peace officer to determine whether a suspect of a crime is a minor who is a human trafficking victim, and whether any other crime that person is suspected of was committed as a direct result of being trafficked. The bill would require the peace officer to make a record of this determination and provide the district attorney with the record for an independent review. Upon making this determination, unless the minor is otherwise arrested, the bill would require the peace officer to report suspected abuse or neglect of the minor to the county child welfare agency and consult with a child welfare worker regarding safe placement for the minor and would require the peace officer to transport the minor to that placement. The bill would allow the minor to be adjudged a dependent subject to the jurisdiction of the juvenile court and would allow the minor to be taken into temporary custody to protect the minor from his or her human trafficker. By imposing new duties on local peace officers, this bill would impose a state-mandated local program.

(2) Existing law requires the Commission on Peace Officer Standards and Training to implement a course of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and to develop guidelines for law enforcement response to human trafficking.

This bill would require the commission to update its training to conform with changes in law that this bill would make regarding minors who are victims of human trafficking.

(3) Existing law allows a child who is sexually trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts, and whose parent or guardian has failed or was unable to protect the child, to be adjudged a dependent of the juvenile court.

~~This bill would enact the State Plan to Serve and Protect Child Trafficking Victims and would require the California Health and Human Services Agency, no later than January 30, 2017, to convene an interagency workgroup, as prescribed, to develop the plan. The bill would require the plan to include, among other things, at a minimum, a multiagency-coordinated child trafficking response protocol and guidelines for local implementation that establish clear lines of ongoing responsibility to ensure that child trafficking victims have access to the necessary continuum of treatment options. The bill would require the~~

workgroup to submit the plan to the Legislature, Judicial Council, and Governor no later than January 30, 2018.

The bill would require the State Department of Social Services to establish a working group after consulting with county welfare departments, the interagency workgroup established pursuant to this bill, and other stakeholders to develop recommendations for the board, care, and supervision of child trafficking victims who are in need of placement in facilities that will protect them from traffickers and provide needed specialized support and services.

The bill would require the State Department of Social Services, with input from county child welfare agencies, probation departments, the interagency workgroup, and other stakeholders, to identify, develop, and disseminate screening tools for use by county child welfare and probation staff to identify children who are child trafficking victims. The bill would require the department, no later than December 31, 2017, to provide counties with guidance on the use of the screening tools.

The bill would require the State Department of Social Services and the State Department of Health Care Services, in consultation with county child welfare and county mental health representatives and other stakeholders, to identify tools and best practices to screen, assess, and serve child trafficking victims. The bill would require the State Department of Social Services to develop curriculum and provide training to local multidisciplinary teams no later than December 31, 2017.

The bill would require each county to develop an interagency protocol to be utilized in serving child trafficking victims. The bill would require each county's protocol to be adopted by the board of supervisors no later than June 30, 2017. The bill would require the protocols to identify the roles and responsibilities of county-based agencies and local service responders in serving victims of trafficking or commercial sexual exploitation. By imposing new duties on local governments, this bill would impose a state-mandated local program.

This bill would additionally allow a child who was deprived of his or her personal liberty with the intent to obtain forced labor or services, and whose parent or guardian has failed or was unable to protect the child, to be adjudged a dependent of the juvenile court.

The bill would require the State Department of Social Services, in consultation with the California Child Welfare Council, the State Department of Health Care Services, the Children and Family Services Division of the State Department of Social Services, the Department of

Corrections and Rehabilitation, Division of Juvenile Justice, and the State Department of Education, as well as specified stakeholders, to submit a report to the Legislature no later than July 1, 2018, on efforts already underway to address labor trafficking of minors and a detailed plan for how the State Department of Social Services, in conjunction with the California Health and Human Services Agency, will address labor trafficking of minors, as provided.

(4) Existing law requires the administrator certification program for group homes, the administrator certification program for short-term residential treatment centers, mandatory training for licensed or certified foster parents, and training for mandated child abuse reporters and child welfare personnel to include cultural competency and sensitivity and related best practices for children across diverse ethnic and racial backgrounds as well as children identifying as lesbian, gay, bisexual, or transgender.

~~The~~

This bill would require that the administrator certification program for group homes, the administrator certification program for short-term residential treatment centers, mandatory training for licensed or certified foster parents, and training for mandated child abuse reporters and child welfare personnel include instruction on cultural competency and sensitivity and related best practices for providing adequate care to child trafficking victims.

~~(4) Existing law establishes the California Child Welfare Council, which serves as the advisory body responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems.~~

~~This bill would require the California Child Welfare Council to provide recommendations and updates to the State Plan to Serve and Protect Child Trafficking Victims.~~

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.*

The people of the State of California do enact as follows:

1 SECTION 1. Section 1522.41 of the Health and Safety Code
2 is amended to read:

3 1522.41. (a) (1) The department, in consultation and
4 collaboration with county placement officials, group home provider
5 organizations, the Director of Health Care Services, and the
6 Director of Developmental Services, shall develop and establish
7 an administrator certification training program to ensure that
8 administrators of group home facilities have appropriate training
9 to provide the care and services for which a license or certificate
10 is issued.

11 (2) The department shall develop and establish an administrator
12 certification training program to ensure that administrators of
13 short-term residential treatment center facilities have appropriate
14 training to provide the care and services for which a license or
15 certificate is issued.

16 (b) (1) In addition to any other requirements or qualifications
17 required by the department, an administrator of a group home or
18 short-term residential treatment center shall successfully complete
19 a specified department-approved training certification program,
20 pursuant to subdivision (c), prior to employment.

21 (2) In those cases when the individual is both the licensee and
22 the administrator of a facility, the individual shall comply with all
23 of the licensee and administrator requirements of this section.

24 (3) Failure to comply with this section shall constitute cause for
25 revocation of the license of the facility.

26 (4) The licensee shall notify the department within 10 days of
27 any change in administrators.

28 (c) (1) The administrator certification programs for group homes
29 shall require a minimum of 40 hours of classroom instruction that
30 provides training on a uniform core of knowledge in each of the
31 following areas:

32 (A) Laws, regulations, and policies and procedural standards
33 that impact the operations of the type of facility for which the
34 applicant will be an administrator.

35 (B) Business operations.

36 (C) Management and supervision of staff.

37 (D) Psychosocial and educational needs of the facility residents,
38 including, but not limited to, the information described in

1 subdivision (d) of Section 16501.4 of the Welfare and Institutions
2 Code.

3 (E) Community and support services.

4 (F) Physical needs of facility residents.

5 (G) Assistance with self-administration, storage, misuse, and
6 interaction of medication used by facility residents.

7 (H) Resident admission, retention, and assessment procedures,
8 including the right of a foster child to have fair and equal access
9 to all available services, placement, care, treatment, and benefits,
10 and to not be subjected to discrimination or harassment on the
11 basis of actual or perceived race, ethnic group identification,
12 ancestry, national origin, color, religion, sex, sexual orientation,
13 gender identity, mental or physical disability, or HIV status.

14 (I) Instruction on cultural competency and sensitivity and related
15 best practices for providing adequate care for children across
16 diverse ethnic and racial backgrounds, as well as children
17 identifying as lesbian, gay, bisexual, or transgender.

18 (J) Instruction on cultural competency and sensitivity and related
19 best practices for providing adequate care to child trafficking
20 victims.

21 (K) Nonviolent emergency intervention and reporting
22 requirements.

23 (L) Basic instruction on the existing laws and procedures
24 regarding the safety of foster youth at school and the ensuring of
25 a harassment- and violence-free school environment contained in
26 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
27 19 of Division 1 of Title 1 of the Education Code.

28 (2) The administrator certification programs for short-term
29 residential treatment centers shall require a minimum of 40 hours
30 of classroom instruction that provides training on a uniform core
31 of knowledge in each of the following areas:

32 (A) Laws, regulations, and policies and procedural standards
33 that impact the operations of the type of facility for which the
34 applicant will be an administrator.

35 (B) Business operations and management and supervision of
36 staff, including staff training.

37 (C) Physical and psychosocial needs of the children, including
38 behavior management, de-escalation techniques, and trauma
39 informed crisis management planning.

1 (D) Permanence, well-being, and educational needs of the
2 children.

3 (E) Community and support services, including accessing local
4 behavioral and mental health supports and interventions, substance
5 use disorder treatments, and culturally relevant services, as
6 appropriate.

7 (F) Understanding the requirements and best practices regarding
8 psychotropic medications, including, but not limited to, court
9 authorization, uses, benefits, side effects, interactions, assistance
10 with self-administration, misuse, documentation, storage, and
11 metabolic monitoring of children prescribed psychotropic
12 medications.

13 (G) Admission, retention, and assessment procedures, including
14 the right of a foster child to have fair and equal access to all
15 available services, placement, care, treatment, and benefits, and
16 to not be subjected to discrimination or harassment on the basis
17 of actual or perceived race, ethnic group identification, ancestry,
18 national origin, color, religion, sex, sexual orientation, gender
19 identity, mental or physical disability, or HIV status.

20 (H) The federal Indian Child Welfare Act (25 U.S.C Sec. 1901
21 et seq.), its historical significance, the rights of children covered
22 by the act, and the best interests of Indian children as including
23 culturally appropriate, child-centered practices that respect Native
24 American history, culture, retention of tribal membership, and
25 connection to the tribal community and traditions.

26 (I) Instruction on cultural competency and sensitivity and related
27 best practices for providing adequate care for children across
28 diverse ethnic and racial backgrounds, as well as children
29 identifying as lesbian, gay, bisexual, or transgender.

30 (J) Instruction on cultural competency and sensitivity and related
31 best practices for providing adequate care to child trafficking
32 victims.

33 (K) Nonviolent emergency intervention and reporting
34 requirements.

35 (L) Basic instruction on the existing laws and procedures
36 regarding the safety of foster youth at school and the ensuring of
37 a harassment- and violence-free school environment contained in
38 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
39 19 of Division 1 of Title 1 of the Education Code.

(d) Administrators who possess a valid group home license, issued by the department, are exempt from completing an approved initial certification training program and taking a written test, provided the individual completes 12 hours of classroom instruction in the following uniform core of knowledge areas:

(1) Laws, regulations, and policies and procedural standards that impact the operations of a short-term residential treatment center.

(2) (A) Authorization, uses, benefits, side effects, interactions, assistance with self-administration, misuse, documentation, and storage of medications.

(B) Metabolic monitoring of children prescribed psychotropic medications.

(3) Admission, retention, and assessment procedures, including the right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(4) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children as including culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(5) Instruction on cultural competency and sensitivity and related best practices for providing adequate care for children across diverse ethnic and racial backgrounds, as well as children identifying as lesbian, gay, bisexual, or transgender.

(6) Instruction on cultural competency and sensitivity and related best practices for providing adequate care to child trafficking victims.

(7) Physical and psychosocial needs of children, including behavior management, deescalation techniques, and trauma informed crisis management planning.

(e) Individuals applying for administrator certification under this section shall successfully complete an approved administrator certification training program, pass a written test administered by the department within 60 days of completing the program, and

1 submit to the department the documentation required by
2 subdivision (f) within 30 days after being notified of having passed
3 the test. The department may extend these time deadlines for good
4 cause. The department shall notify the applicant of his or her test
5 results within 30 days of administering the test.

6 (f) The department shall not begin the process of issuing a
7 certificate until receipt of all of the following:

8 (1) A certificate of completion of the administrator training
9 required pursuant to this chapter.

10 (2) The fee required for issuance of the certificate. A fee of one
11 hundred dollars (\$100) shall be charged by the department to cover
12 the costs of processing the application for certification.

13 (3) Documentation from the applicant that he or she has passed
14 the written test.

15 (4) Submission of fingerprints pursuant to Section 1522. The
16 department may waive the submission for those persons who have
17 a current clearance on file.

18 (5) That person is at least 21 years of age.

19 (g) It shall be unlawful for any person not certified under this
20 section to hold himself or herself out as a certified administrator
21 of a group home or short-term residential treatment center. Any
22 person willfully making any false representation as being a certified
23 administrator or facility manager is guilty of a misdemeanor.

24 (h) (1) Certificates issued under this section shall be renewed
25 every two years and renewal shall be conditional upon the
26 certificate holder submitting documentation of completion of 40
27 hours of continuing education related to the core of knowledge
28 specified in subdivision (c). No more than one-half of the required
29 40 hours of continuing education necessary to renew the certificate
30 may be satisfied through online courses. All other continuing
31 education hours shall be completed in a classroom setting. For
32 purposes of this section, an individual who is a group home or
33 short-term residential treatment center administrator and who is
34 required to complete the continuing education hours required by
35 the regulations of the State Department of Developmental Services,
36 and approved by the regional center, may have up to 24 of the
37 required continuing education course hours credited toward the
38 40-hour continuing education requirement of this section. The
39 department shall accept for certification, community college course
40 hours approved by the regional centers.

1 (2) Every administrator of a group home or short-term residential
2 treatment center shall complete the continuing education
3 requirements of this subdivision.

4 (3) Certificates issued under this section shall expire every two
5 years on the anniversary date of the initial issuance of the
6 certificate, except that any administrator receiving his or her initial
7 certification on or after July 1, 1999, shall make an irrevocable
8 election to have his or her recertification date for any subsequent
9 recertification either on the date two years from the date of issuance
10 of the certificate or on the individual's birthday during the second
11 calendar year following certification. The department shall send
12 a renewal notice to the certificate holder 90 days prior to the
13 expiration date of the certificate. If the certificate is not renewed
14 prior to its expiration date, reinstatement shall only be permitted
15 after the certificate holder has paid a delinquency fee equal to three
16 times the renewal fee and has provided evidence of completion of
17 the continuing education required.

18 (4) To renew a certificate, the certificate holder shall, on or
19 before the certificate expiration date, request renewal by submitting
20 to the department documentation of completion of the required
21 continuing education courses and pay the renewal fee of one
22 hundred dollars (\$100), irrespective of receipt of the department's
23 notification of the renewal. A renewal request postmarked on or
24 before the expiration of the certificate shall be proof of compliance
25 with this paragraph.

26 (5) A suspended or revoked certificate shall be subject to
27 expiration as provided for in this section. If reinstatement of the
28 certificate is approved by the department, the certificate holder,
29 as a condition precedent to reinstatement, shall submit proof of
30 compliance with paragraphs (1) and (2) of this subdivision, and
31 shall pay a fee in an amount equal to the renewal fee, plus the
32 delinquency fee, if any, accrued at the time of its revocation or
33 suspension. Delinquency fees, if any, accrued subsequent to the
34 time of its revocation or suspension and prior to an order for
35 reinstatement, shall be waived for a period of 12 months to allow
36 the individual sufficient time to complete the required continuing
37 education units and to submit the required documentation.
38 Individuals whose certificates will expire within 90 days after the
39 order for reinstatement may be granted a three-month extension

1 to renew their certificates during which time the delinquency fees
2 shall not accrue.

3 (6) A certificate that is not renewed within four years after its
4 expiration shall not be renewed, restored, reissued, or reinstated
5 except upon completion of a certification training program, passing
6 any test that may be required of an applicant for a new certificate
7 at that time, and paying the appropriate fees provided for in this
8 section.

9 (7) A fee of twenty-five dollars (\$25) shall be charged for the
10 reissuance of a lost certificate.

11 (8) A certificate holder shall inform the department of his or
12 her employment status and change of mailing address within 30
13 days of any change.

14 (i) Unless otherwise ordered by the department, the certificate
15 shall be considered forfeited under either of the following
16 conditions:

17 (1) The department has revoked any license held by the
18 administrator after the department issued the certificate.

19 (2) The department has issued an exclusion order against the
20 administrator pursuant to Section 1558, 1568.092, 1569.58, or
21 1596.8897, after the department issued the certificate, and the
22 administrator did not appeal the exclusion order or, after the appeal,
23 the department issued a decision and order that upheld the
24 exclusion order.

25 (j) (1) The department, in consultation and collaboration with
26 county placement officials, provider organizations, the State
27 Department of Health Care Services, and the State Department of
28 Developmental Services, shall establish, by regulation, the program
29 content, the testing instrument, the process for approving
30 administrator certification training programs, and criteria to be
31 used in authorizing individuals, organizations, or educational
32 institutions to conduct certification training programs and
33 continuing education courses. The department may also grant
34 continuing education hours for continuing courses offered by
35 accredited educational institutions that are consistent with the
36 requirements in this section. The department may deny vendor
37 approval to any agency or person in any of the following
38 circumstances:

39 (A) The applicant has not provided the department with evidence
40 satisfactory to the department of the ability of the applicant to

1 satisfy the requirements of vendorization set out in the regulations
2 adopted by the department.

3 (B) The applicant person or agency has a conflict of interest in
4 that the person or agency places its clients in group homes or
5 short-term residential treatment centers.

6 (C) The applicant public or private agency has a conflict of
7 interest in that the agency is mandated to place clients in group
8 homes or short-term residential treatment centers and to pay
9 directly for the services. The department may deny vendorization
10 to this type of agency only as long as there are other vendor
11 programs available to conduct the certification training programs
12 and conduct education courses.

13 (2) The department may authorize vendors to conduct the
14 administrator's certification training program pursuant to this
15 section. The department shall conduct the written test pursuant to
16 regulations adopted by the department.

17 (3) The department shall prepare and maintain an updated list
18 of approved training vendors.

19 (4) The department may inspect administrator certification
20 training programs and continuing education courses, including
21 online courses, at no charge to the department, to determine if
22 content and teaching methods comply with regulations. If the
23 department determines that any vendor is not complying with the
24 requirements of this section, the department shall take appropriate
25 action to bring the program into compliance, which may include
26 removing the vendor from the approved list.

27 (5) The department shall establish reasonable procedures and
28 timeframes not to exceed 30 days for the approval of vendor
29 training programs.

30 (6) The department may charge a reasonable fee, not to exceed
31 one hundred fifty dollars (\$150) every two years, to certification
32 program vendors for review and approval of the initial 40-hour
33 training program pursuant to subdivision (c). The department may
34 also charge the vendor a fee, not to exceed one hundred dollars
35 (\$100) every two years, for the review and approval of the
36 continuing education courses needed for recertification pursuant
37 to this subdivision.

38 (7) (A) A vendor of online programs for continuing education
39 shall ensure that each online course contains all of the following:

1 (i) An interactive portion in which the participant receives
2 feedback, through online communication, based on input from the
3 participant.

4 (ii) Required use of a personal identification number or personal
5 identification information to confirm the identity of the participant.

6 (iii) A final screen displaying a printable statement, to be signed
7 by the participant, certifying that the identified participant
8 completed the course. The vendor shall obtain a copy of the final
9 screen statement with the original signature of the participant prior
10 to the issuance of a certificate of completion. The signed statement
11 of completion shall be maintained by the vendor for a period of
12 three years and be available to the department upon demand. Any
13 person who certifies as true any material matter pursuant to this
14 clause that he or she knows to be false is guilty of a misdemeanor.

15 (B) Nothing in this subdivision shall prohibit the department
16 from approving online programs for continuing education that do
17 not meet the requirements of subparagraph (A) if the vendor
18 demonstrates to the department's satisfaction that, through
19 advanced technology, the course and the course delivery meet the
20 requirements of this section.

21 (k) The department shall establish a registry for holders of
22 certificates that shall include, at a minimum, information on
23 employment status and criminal record clearance.

24 (l) Notwithstanding any law to the contrary, vendors approved
25 by the department who exclusively provide either initial or
26 continuing education courses for certification of administrators of
27 a group home or short-term residential treatment center as defined
28 by regulations of the department, an adult residential facility as
29 defined by regulations of the department, or a residential care
30 facility for the elderly as defined in subdivision (k) of Section
31 1569.2, shall be regulated solely by the department pursuant to
32 this chapter. No other state or local governmental entity shall be
33 responsible for regulating the activity of those vendors.

34 SEC. 2. Section 1529.2 of the Health and Safety Code, as added
35 by Section 24.5 of Chapter 773 of the Statutes of 2015, is amended
36 to read:

37 1529.2. (a) It is the intent of the Legislature that all foster
38 parents have the necessary knowledge, skills, and abilities to
39 support the safety, permanency, and well-being of children in foster
40 care. Initial and ongoing preparation and training of foster parents

1 should support the foster parent's role in parenting vulnerable
2 children, youth, and young adults, including supporting the
3 children's connection with their families. Their training should be
4 ongoing in order to provide foster parents with information on new
5 practices and requirements and other helpful topics within the child
6 welfare and probation systems and may be offered in a classroom
7 setting, online, or individually.

8 (b) A licensed or certified foster parent shall complete a
9 minimum of eight training hours annually, a portion of which shall
10 be from one or more of the following topics, as prescribed by the
11 department, pursuant to subdivision (a):

12 (1) Age-appropriate child and adolescent development.

13 (2) Health issues in foster care, including, but not limited to,
14 the authorization, uses, risks, benefits, assistance with
15 self-administration, oversight, and monitoring of psychotropic or
16 other medications, and trauma, mental health, and substance use
17 disorder treatments for children in foster care under the jurisdiction
18 of the juvenile court, including how to access those treatments.
19 Health issues in foster care, including, but not limited to, the
20 authorization, uses, risks, benefits, assistance with
21 self-administration, oversight, and monitoring of psychotropic or
22 other medications, and trauma, mental health, and substance use
23 disorder treatments for children in foster care under the jurisdiction
24 of the juvenile court, including how to access those treatments, as
25 the information is also described in subdivision (d) of Section
26 16501.4 of the Welfare and Institutions Code.

27 (3) Positive discipline and the importance of self-esteem.

28 (4) Preparation of children and youth for a successful transition
29 to adulthood.

30 (5) The right of a foster child to have fair and equal access to
31 all available services, placement, care, treatment, and benefits, and
32 to not be subjected to discrimination or harassment on the basis
33 of actual or perceived race, ethnic group identification, ancestry,
34 national origin, color, religion, sex, sexual orientation, gender
35 identity, mental or physical disability, or HIV status.

36 (6) Instruction on cultural competency and sensitivity and related
37 best practices for providing adequate care for children across
38 diverse ethnic and racial backgrounds, as well as children
39 identifying as lesbian, gay, bisexual, or transgender.

1 (7) Instruction on cultural competency and sensitivity and related
2 best practices for providing adequate care to child trafficking
3 victims.

4 (c) In addition to any training required by this section, a foster
5 parent may be required to receive specialized training, as relevant,
6 for the purpose of preparing the foster parent to meet the needs of
7 a particular child in care. This training may include, but is not
8 limited to, the following:

9 (1) Understanding how to use best practices for providing care
10 and supervision to commercially sexually exploited children.

11 (2) Understanding cultural needs of children, including, but not
12 limited to, cultural competency and sensitivity and related best
13 practices for providing adequate care to children across diverse
14 ethnic and racial backgrounds, as well as children identifying as
15 lesbian, gay, bisexual, or transgender.

16 (3) Understanding the requirements and best practices regarding
17 psychotropic medications, including, but not limited to, court
18 authorization, benefits, uses, side effects, interactions, assistance
19 with self-administration, misuse, documentation, storage, and
20 metabolic monitoring of children prescribed psychotropic
21 medications.

22 (4) Understanding the federal Indian Child Welfare Act (25
23 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
24 children covered by the act, and the best interests of Indian
25 children, including the role of the caregiver in supporting culturally
26 appropriate, child-centered practices that respect Native American
27 history, culture, retention of tribal membership and connection to
28 the tribal community and traditions.

29 (5) Understanding how to use best practices for providing care
30 and supervision to nonminor dependents.

31 (6) Understanding how to use best practices for providing care
32 and supervision to children with special health care needs.

33 (d) No child shall be placed with a foster parent unless each
34 foster parent in the home meets the requirements of this section.

35 (e) (1) Upon the request of the licensed or certified foster parent
36 for a hardship waiver from the annual training requirement or a
37 request for an extension of the deadline, the county may, at its
38 option, on a case-by-case basis, waive the training requirement or
39 extend any established deadline for a period not to exceed one

1 year, if the training requirement presents a severe and unavoidable
2 obstacle to continuing as a foster parent.

3 (2) Obstacles for which a county may grant a hardship waiver
4 or extension are:

5 (A) Lack of access to training due to the cost or travel required
6 or lack of child care to participate in the training, when online
7 resources are not available.

8 (B) Family emergency.

9 (3) Before a waiver or extension may be granted, the licensed
10 or certified foster parent should explore the opportunity of
11 receiving training online or by video or written materials.

12 (f) (1) Foster parent training may be obtained through sources
13 that include, but are not necessarily limited to, community colleges,
14 counties, hospitals, foster parent associations, the California State
15 Foster Parent Association's conference, online resources, adult
16 schools, and certified foster parent instructors.

17 (2) In addition to the foster parent training provided by
18 community colleges, foster family agencies shall provide a program
19 of training for their certified foster families.

20 (g) (1) Training certificates shall be submitted to the appropriate
21 licensing or foster family agency.

22 (2) Upon completion, a licensed or certified parent shall submit
23 a certificate of completion for the annual training requirements.

24 (h) Nothing in this section shall preclude a county or a foster
25 family agency from requiring foster parent training in excess of
26 the requirements in this section.

27 (i) This section shall become operative on January 1, 2017.

28 (j) This section shall remain in effect only until January 1, 2019,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2019, deletes or extends that date.

31 SEC. 3. Section 236.1 of the Penal Code is amended to read:

32 236.1. (a) A person who deprives or violates the personal
33 liberty of another with the intent to obtain forced labor or services,
34 is guilty of human trafficking and shall be punished by
35 imprisonment in the state prison for 5, 8, or 12 years and a fine of
36 not more than five hundred thousand dollars (\$500,000).

37 (b) A person who deprives or violates the personal liberty of
38 another with the intent to effect or maintain a violation of Section
39 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5,
40 311.6, or 518 is guilty of human trafficking and shall be punished

1 by imprisonment in the state prison for 8, 14, or 20 years and a
2 fine of not more than five hundred thousand dollars (\$500,000).

3 (c) A person who causes, induces, or persuades, or attempts to
4 cause, induce, or persuade, a person who is a minor at the time of
5 commission of the offense to engage in a commercial sex act, with
6 the intent to effect or maintain a violation of Section 266, 266h,
7 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518
8 is guilty of human trafficking. A violation of this subdivision is
9 punishable by imprisonment in the state prison as follows:

10 (1) Five, 8, or 12 years and a fine of not more than five hundred
11 thousand dollars (\$500,000).

12 (2) Fifteen years to life and a fine of not more than five hundred
13 thousand dollars (\$500,000) when the offense involves force, fear,
14 fraud, deceit, coercion, violence, duress, menace, or threat of
15 unlawful injury to the victim or to another person.

16 (d) In determining whether a minor was caused, induced, or
17 persuaded to engage in a commercial sex act, the totality of the
18 circumstances, including the age of the victim, his or her
19 relationship to the trafficker or agents of the trafficker, and any
20 handicap or disability of the victim, shall be considered.

21 (e) Consent by a victim of human trafficking who is a minor at
22 the time of the commission of the offense is not a defense to a
23 criminal prosecution under this section.

24 (f) Mistake of fact as to the age of a victim of human trafficking
25 who is a minor at the time of the commission of the offense is not
26 a defense to a criminal prosecution under this section.

27 (g) The Legislature finds that the definition of human trafficking
28 in this section is equivalent to the federal definition of a severe
29 form of trafficking found in Section 7102(9) of Title 22 of the
30 United States Code.

31 (h) For purposes of this chapter, the following definitions apply:

32 (1) "Coercion" includes a scheme, plan, or pattern intended to
33 cause a person to believe that failure to perform an act would result
34 in serious harm to or physical restraint against any person; the
35 abuse or threatened abuse of the legal process; debt bondage; or
36 providing and facilitating the possession of a controlled substance
37 to a person with the intent to impair the person's judgment.

38 (2) "Commercial sex act" means sexual conduct on account of
39 which anything of value is given or received by a person.

(3) “Deprivation or violation of the personal liberty of another” includes substantial and sustained restriction of another’s liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

(4) “Duress” includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess an actual or purported passport or immigration document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or immigration document of the victim.

(5) “Forced labor or services” means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

(6) “Great bodily injury” means a significant or substantial physical injury.

(7) “Human trafficking victim” means a person who is a victim of any of the acts described in subdivisions (a), (b) or (c).

(8) “Minor” means a person less than 18 years of age.

(9) “Serious harm” includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

(i) The total circumstances, including the age of the victim, the relationship between the victim and the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be factors to consider in determining the presence of “deprivation or violation of the personal liberty of another,” “duress,” and “coercion” as described in this section.

SEC. 4. Section 236.21 is added to the Penal Code, to read:

1 236.21. (a) (1) A peace officer coming in contact with a person
2 described in Section 236.2 shall make best efforts to determine
3 whether the person is a minor who is victim of human trafficking
4 as defined in paragraph (7) of subdivision (h) of Section 236.1 and
5 may seek the assistance of human trafficking experts within or
6 affiliated with the peace officer's law enforcement agency and
7 nongovernmental organizations with specialized training and
8 experience in human trafficking in making this determination, if
9 necessary.

10 (2) If the peace officer determines that the person is a minor
11 who is a human trafficking victim as defined in paragraph (7) of
12 subdivision (h) of Section 236.1, and the peace officer has probable
13 cause to believe that the minor has also committed other crimes
14 as a direct result of being a human trafficking victim, the peace
15 officer shall make a record of the determination and shall provide
16 the district attorney with the record for an independent evaluation.

17 (b) Unless the minor is otherwise arrested, upon making the
18 determination specified in paragraph (2) of subdivision (a), the
19 peace officer shall report suspected abuse or neglect of that minor
20 to the agency given responsibility for investigation of cases under
21 Section 300 of the Welfare and Institutions Code in accordance
22 with Section 11166 and shall consult with a child welfare worker
23 regarding safe placement for the minor that will separate the minor
24 from the trafficker and from being trafficked and shall transport
25 the minor to that placement. The minor may be adjudged to be a
26 dependent subject to the jurisdiction of the juvenile court pursuant
27 to paragraph (2) of subdivision (b) of Section 300 of the Welfare
28 and Institutions Code. The minor may be taken into protective
29 custody pursuant to subdivision (a) of Section 305 of the Welfare
30 and Institutions Code upon a reasonable belief that the conditions
31 of subdivision (a) of Section 305 are met, including that custody
32 is necessary to protect the minor from a person found or suspected
33 to have committed any of the acts described in subdivision (a),
34 (b), or (c) of Section 236.1.

35 SEC. 5. Section 13519.14 of the Penal Code is amended to
36 read:

37 13519.14. (a) The commission shall implement by January 1,
38 2007, a course or courses of instruction for the training of law
39 enforcement officers in California in the handling of human
40 trafficking complaints and also shall develop guidelines for law

1 enforcement response to human trafficking. The course or courses
2 of instruction and the guidelines shall stress the dynamics and
3 manifestations of human trafficking, identifying and
4 communicating with victims, providing documentation that satisfy
5 the Law Enforcement Agency (LEA) endorsement required by
6 federal law, collaboration with federal law enforcement officials,
7 therapeutically appropriate investigative techniques, the availability
8 of civil and immigration remedies and community resources, and
9 protection of the victim. Where appropriate, the training presenters
10 shall include human trafficking experts with experience in the
11 delivery of direct services to victims of human trafficking.
12 Completion of the course may be satisfied by telecommunication,
13 video training tape, or other instruction.

14 (b) As used in this section, “law enforcement officer” means
15 any officer or employee of a local police department or sheriff’s
16 office, and any peace officer of the Department of the California
17 Highway Patrol, as defined by subdivision (a) of Section 830.2.

18 (c) The course of instruction, the learning and performance
19 objectives, the standards for the training, and the guidelines shall
20 be developed by the commission in consultation with appropriate
21 groups and individuals having an interest and expertise in the field
22 of human trafficking.

23 (d) The commission, in consultation with these groups and
24 individuals, shall review existing training programs to determine
25 in what ways human trafficking training may be included as a part
26 of ongoing programs.

27 (e) Every law enforcement officer who is assigned field or
28 investigative duties shall complete a minimum of two hours of
29 training in a course or courses of instruction pertaining to the
30 handling of human trafficking complaints as described in
31 subdivision (a) by July 1, 2014, or within six months of being
32 assigned to that position, whichever is later.

33 (f) The commission shall update the training implemented
34 pursuant to this section by July 1, 2018, to include specific
35 instruction on law enforcement responsibilities to determine the
36 status of children as victims of human trafficking pursuant to
37 Section 236.21.

38 SEC. 6. Section 300 of the Welfare and Institutions Code is
39 amended to read:

1 300. A child who comes within any of the following
2 descriptions is within the jurisdiction of the juvenile court which
3 may adjudge that person to be a dependent child of the court:

4 (a) The child has suffered, or there is a substantial risk that the
5 child will suffer, serious physical harm inflicted nonaccidentally
6 upon the child by the child's parent or guardian. For purposes of
7 this subdivision, a court may find there is a substantial risk of
8 serious future injury based on the manner in which a less serious
9 injury was inflicted, a history of repeated inflictions of injuries on
10 the child or the child's siblings, or a combination of these and other
11 actions by the parent or guardian that indicate the child is at risk
12 of serious physical harm. For purposes of this subdivision, "serious
13 physical harm" does not include reasonable and age-appropriate
14 spanking to the buttocks if there is no evidence of serious physical
15 injury.

16 (b) (1) The child has suffered, or there is a substantial risk
17 that the child will suffer, serious physical harm or illness, as a
18 result of the failure or inability of his or her parent or guardian to
19 adequately supervise or protect the child, or the willful or negligent
20 failure of the child's parent or guardian to adequately supervise
21 or protect the child from the conduct of the custodian with whom
22 the child has been left, or by the willful or negligent failure of the
23 parent or guardian to provide the child with adequate food,
24 clothing, shelter, or medical treatment, or by the inability of the
25 parent or guardian to provide regular care for the child due to the
26 parent's or guardian's mental illness, developmental disability, or
27 substance abuse. A child shall not be found to be a person described
28 by this subdivision solely due to the lack of an emergency shelter
29 for the family. Whenever it is alleged that a child comes within
30 the jurisdiction of the court on the basis of the parent's or
31 guardian's willful failure to provide adequate medical treatment
32 or specific decision to provide spiritual treatment through prayer,
33 the court shall give deference to the parent's or guardian's medical
34 treatment, nontreatment, or spiritual treatment through prayer alone
35 in accordance with the tenets and practices of a recognized church
36 or religious denomination, by an accredited practitioner thereof,
37 and shall not assume jurisdiction unless necessary to protect the
38 child from suffering serious physical harm or illness. In making
39 its determination, the court shall consider (1) the nature of the
40 treatment proposed by the parent or guardian, (2) the risks to the

1 child posed by the course of treatment or nontreatment proposed
2 by the parent or guardian, (3) the risk, if any, of the course of
3 treatment being proposed by the petitioning agency, and (4) the
4 likely success of the courses of treatment or nontreatment proposed
5 by the parent or guardian and agency. The child shall continue to
6 be a dependent child pursuant to this subdivision only so long as
7 is necessary to protect the child from risk of suffering serious
8 physical harm or illness.

9 (2) The Legislature finds and declares that a child who is a
10 human trafficking victim, as defined in paragraph (7) of subdivision
11 (h) of Section 236.1 of the Penal Code, or who receives food or
12 shelter in exchange for, or who is paid to perform, sexual acts
13 described in Section 11165.1 of the Penal Code, and whose parent
14 or guardian failed to, or was unable to, protect the child, is within
15 the description of this subdivision, and that this finding is
16 declaratory of existing law. These children shall be known as child
17 trafficking victims or commercially sexually exploited children.

18 (c) The child is suffering serious emotional damage, or is at
19 substantial risk of suffering serious emotional damage, evidenced
20 by severe anxiety, depression, withdrawal, or untoward aggressive
21 behavior toward self or others, as a result of the conduct of the
22 parent or guardian or who has no parent or guardian capable of
23 providing appropriate care. A child shall not be found to be a
24 person described by this subdivision if the willful failure of the
25 parent or guardian to provide adequate mental health treatment is
26 based on a sincerely held religious belief and if a less intrusive
27 judicial intervention is available.

28 (d) The child has been sexually abused, or there is a substantial
29 risk that the child will be sexually abused, as defined in Section
30 11165.1 of the Penal Code, by his or her parent or guardian or a
31 member of his or her household, or the parent or guardian has
32 failed to adequately protect the child from sexual abuse when the
33 parent or guardian knew or reasonably should have known that
34 the child was in danger of sexual abuse.

35 (e) The child is under the age of five years and has suffered
36 severe physical abuse by a parent, or by any person known by the
37 parent, if the parent knew or reasonably should have known that
38 the person was physically abusing the child. For the purposes of
39 this subdivision, “severe physical abuse” means any of the
40 following: any single act of abuse which causes physical trauma

1 of sufficient severity that, if left untreated, would cause permanent
2 physical disfigurement, permanent physical disability, or death;
3 any single act of sexual abuse which causes significant bleeding,
4 deep bruising, or significant external or internal swelling; or more
5 than one act of physical abuse, each of which causes bleeding,
6 deep bruising, significant external or internal swelling, bone
7 fracture, or unconsciousness; or the willful, prolonged failure to
8 provide adequate food. A child shall not be removed from the
9 physical custody of his or her parent or guardian on the basis of a
10 finding of severe physical abuse unless the social worker has made
11 an allegation of severe physical abuse pursuant to Section 332.

12 (f) The child's parent or guardian caused the death of another
13 child through abuse or neglect.

14 (g) The child has been left without any provision for support;
15 physical custody of the child has been voluntarily surrendered
16 pursuant to Section 1255.7 of the Health and Safety Code and the
17 child has not been reclaimed within the 14-day period specified
18 in subdivision (g) of that section; the child's parent has been
19 incarcerated or institutionalized and cannot arrange for the care of
20 the child; or a relative or other adult custodian with whom the child
21 resides or has been left is unwilling or unable to provide care or
22 support for the child, the whereabouts of the parent are unknown,
23 and reasonable efforts to locate the parent have been unsuccessful.

24 (h) The child has been freed for adoption by one or both parents
25 for 12 months by either relinquishment or termination of parental
26 rights or an adoption petition has not been granted.

27 (i) The child has been subjected to an act or acts of cruelty by
28 the parent or guardian or a member of his or her household, or the
29 parent or guardian has failed to adequately protect the child from
30 an act or acts of cruelty when the parent or guardian knew or
31 reasonably should have known that the child was in danger of
32 being subjected to an act or acts of cruelty.

33 (j) The child's sibling has been abused or neglected, as defined
34 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
35 that the child will be abused or neglected, as defined in those
36 subdivisions. The court shall consider the circumstances
37 surrounding the abuse or neglect of the sibling, the age and gender
38 of each child, the nature of the abuse or neglect of the sibling, the
39 mental condition of the parent or guardian, and any other factors

1 the court considers probative in determining whether there is a
2 substantial risk to the child.

3 It is the intent of the Legislature that this section not disrupt the
4 family unnecessarily or intrude inappropriately into family life,
5 prohibit the use of reasonable methods of parental discipline, or
6 prescribe a particular method of parenting. Further, this section is
7 not intended to limit the offering of voluntary services to those
8 families in need of assistance but who do not come within the
9 descriptions of this section. To the extent that savings accrue to
10 the state from child welfare services funding obtained as a result
11 of the enactment of the act that enacted this section, those savings
12 shall be used to promote services which support family
13 maintenance and family reunification plans, such as client
14 transportation, out-of-home respite care, parenting training, and
15 the provision of temporary or emergency in-home caretakers and
16 persons teaching and demonstrating homemaking skills. The
17 Legislature further declares that a physical disability, such as
18 blindness or deafness, is no bar to the raising of happy and
19 well-adjusted children and that a court's determination pursuant
20 to this section shall center upon whether a parent's disability
21 prevents him or her from exercising care and control. The
22 Legislature further declares that a child whose parent has been
23 adjudged a dependent child of the court pursuant to this section
24 shall not be considered to be at risk of abuse or neglect solely
25 because of the age, dependent status, or foster care status of the
26 parent.

27 As used in this section, "guardian" means the legal guardian of
28 the child.

29 ~~SEC. 7. Chapter 4 (commencing with Section 2200) is added~~
30 ~~to Division 2.5 of the Welfare and Institutions Code, to read:~~

31
32 ~~CHAPTER 4. STATE PLAN TO SERVE AND PROTECT CHILD~~
33 ~~TRAFFICKING VICTIMS~~
34

35 ~~2200. This chapter shall be known, and may be cited, as the~~
36 ~~State Plan to Serve and Protect Child Trafficking Victims.~~

37 ~~2201. (a) The purpose of this chapter is to establish the~~
38 ~~framework for a coordinated effort and plan to serve and protect~~
39 ~~all children who are human trafficking victims. In the~~
40 ~~implementation of the continuum of care reform, pursuant to~~

Chapter 773 of the Statutes of 2015, the State Department of Social Services shall ensure the necessary care, support, social service needs, and treatment of child trafficking victims in the child welfare system.

(b) The California Health and Human Services Agency shall, no later than January 30, 2017, convene an interagency workgroup, in accordance with Section 2202 for the purposes specified in subdivision (a), in consultation with the California Child Welfare Council established pursuant to Section 16540, and to continue the work currently being done under the council's direction.

(c) For purposes of this chapter, "child trafficking victim" has the meaning set forth in paragraph (2) of subdivision (b) of Section 300.

2202. (a) The interagency workgroup shall be comprised of representatives from the State Department of Health Care Services, the Children and Family Services Division of the State Department of Social Services, the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and the State Department of Education, and shall include a broad spectrum of stakeholders who are responsible for addressing the needs of this population, including, but not limited to, local government agencies, human trafficking service providers, the County Behavioral Directors Association of California, county probation officers, the County Welfare Directors Association of California, district attorneys, public defenders, youth advocates, juvenile court representatives, and human trafficking survivors.

(b) The workgroup shall conduct a thorough review of existing programs and services for child trafficking victims to identify areas of need. The workgroup shall develop strategies and recommendations for policies, interagency response protocols, and services that will ensure that child trafficking victims have access to the services and support needed for their safety and recovery.

(c) The workgroup shall develop a comprehensive state plan to serve and protect sexually exploited and trafficked minors, including recommendations and a timeline for implementation. The plan shall include, at a minimum, all of the following:

(1) A multiagency-coordinated child trafficking response protocol and guidelines for local implementation that address prevention, identification, screening, assessment, immediate and safe shelter, and clear lines of ongoing responsibility to ensure that

1 child trafficking victims have access to the necessary continuum
2 of treatment options, as determined by the workgroup.

3 (2) ~~Whether new specialized services and programs are needed~~
4 ~~to ensure that child trafficking victims have access to safe and~~
5 ~~appropriate services, the identification of funding sources, and a~~
6 ~~timeline for the creation of those services and programs.~~

7 (3) ~~The identification of training needs for child welfare staff,~~
8 ~~law enforcement, and probation staff regarding child trafficking~~
9 ~~response protocols, and a plan and timeline to implement necessary~~
10 ~~training.~~

11 (4) ~~The development of data collection and sharing protocols~~
12 ~~among agencies.~~

13 (d) ~~In developing the plan, the workgroup shall consider both~~
14 ~~of the following:~~

15 (1) ~~Existing laws and practices in other states and jurisdictions~~
16 ~~that have developed response protocols and policies to respond to~~
17 ~~sexual exploitation of minors and child trafficking and the~~
18 ~~outcomes and unintended consequences of those protocols and~~
19 ~~policies.~~

20 (2) ~~The adequacy of existing response protocols and services,~~
21 ~~including identification, screening, assessment, immediate and~~
22 ~~safe shelter, and the range of treatment options for child trafficking~~
23 ~~victims.~~

24 (e) ~~The workgroup, in collaboration with the California Child~~
25 ~~Welfare Council, shall submit the plan, including implementation~~
26 ~~recommendations and a timeline, to the Legislature, Judicial~~
27 ~~Council, and the Governor no later than January 30, 2018.~~

28 (f) ~~Reports submitted to the Legislature pursuant to this section~~
29 ~~shall be submitted in compliance with Section 9795 of the~~
30 ~~Government Code.~~

31 SEC. 8. ~~Chapter 5 (commencing with Section 2300) is added~~
32 ~~to Division 2.5 of the Welfare and Institutions Code, to read:~~

33
34 CHAPTER 5. ~~DEVELOPMENT OF SPECIALIZED FACILITIES AND~~
35 ~~ASSESSMENT TOOLS TO PROTECT CHILD TRAFFICKING VICTIMS~~
36

37 2300. ~~(a) In the implementation of the continuum of care~~
38 ~~reform, pursuant to Chapter 773 of the Statutes of 2015, the State~~
39 ~~Department of Social Services shall ensure the necessary care,~~
40 ~~support, social service needs, and treatment of child trafficking~~

1 victims in the child welfare system. It shall establish, after
2 consultation with county welfare departments, the interagency
3 workgroup established pursuant to Section 2202, and other
4 stakeholders as appropriate, a working group to develop
5 recommendations for the board, care, and supervision of child
6 trafficking victims as defined in paragraph (2) of subdivision (b)
7 of Section 300 who are in need of a placement in facilities that
8 will protect them from traffickers and provide needed specialized
9 support and services. The plan shall address placement options
10 that promote a continuum of care based on the best interests of the
11 youth, including placements that provide immediate crisis care
12 and assessment in facilities in which victims are protected from
13 their traffickers, long-term placements in family-based settings,
14 specialized boarding schools, and congregate care placements that
15 support independent living with services that promote successful
16 transition to adulthood. The recommendations shall be included
17 in the recommendations submitted pursuant to Section 11461.2.

18 (b) In developing its recommendations, the department shall
19 identify strategies to do all of the following:

20 (1) Recruit and train family-based foster care providers
21 specifically to serve this population and considerations for their
22 need for safety when caring for this population.

23 (2) Support family finding and engagement activities for child
24 trafficking victims as defined in paragraph (2) of subdivision (b)
25 of Section 300 and for children who are at risk of becoming
26 victims.

27 (3) Support training and education for at-risk foster youth in
28 out-of-home placements and boarding schools to reduce the
29 likelihood of human trafficking as specified in subdivisions (a),
30 (b), and (c), of Section 236.1 of the Penal Code.

31 (4) Support drop-in centers to provide crisis intervention and
32 support to trafficked or commercially exploited minors and to
33 re-engage them in the child welfare system.

34 (5) Provide for an exemption process for human trafficking
35 victims to be employed in foster care facilities if the crime was
36 committed under threat from their trafficker.

37 2301. (a) The State Department of Social Services, with input
38 from county child welfare agencies, probation departments, the
39 interagency workgroup established pursuant to Section 2202, and
40 other stakeholders as appropriate, shall identify, develop, and

1 disseminate screening tools for use by county child welfare and
2 probation staff to identify children who are or are at risk of
3 becoming child trafficking victims as defined by paragraph (2) of
4 subdivision (b) of Section 300. No later than December 31, 2017,
5 the department shall provide counties with guidance on the use of
6 the screening tools, including when youth are referred to or placed
7 into care, as appropriate for children who are at risk and in the
8 foster care system.

9 (b) The State Department of Social Services and the State
10 Department of Health Care Services, in consultation with county
11 child welfare and county mental health representatives and other
12 stakeholders as appropriate, shall identify tools and best practices
13 to screen, assess and serve child trafficking victims. The
14 department shall develop curriculum and provide training to local
15 multidisciplinary teams as defined in paragraph (2) of subdivision
16 (e) of Section 2303 no later than December 31, 2017, for
17 identifying, assessing and jointly serving this population.

18 2302. (a) The State Department of Social Services, in
19 consultation with the County Welfare Directors Association and
20 the interagency workgroup established pursuant to Section 2202,
21 shall ensure that the Child Welfare Services Case Management
22 System is capable of collecting data concerning child trafficking
23 victims as defined in paragraph (2) of subdivision (c) of Section
24 300, including children who are referred to the child abuse hotline,
25 as well as children currently served by child welfare and probation
26 departments and who subsequently are identified as child
27 trafficking victims.

28 (b) The department shall complete the requirements of
29 subdivision (a) no later than December 1, 2017, including the
30 dissemination of any necessary instructions on data entry to county
31 child welfare staff.

32 2303. (a) (1) Each county shall develop an interagency
33 protocol to be utilized in serving child trafficking victims as defined
34 in paragraph (2) of subdivision (b) of Section 300. Each county's
35 protocol shall be adopted by the board of supervisors not later than
36 June 30, 2017. The protocols shall identify the roles and
37 responsibilities of county-based agencies and other local service
38 providers in responding to and supporting a coordinated community
39 response to serve victims of trafficking or commercial sexual
40 exploitation. At minimum, the protocol shall identify the roles and

responsibilities of the following county administrators in their oversight and administration of services to victims:

(A) The district attorney.

(B) Behavioral health.

(C) Child welfare.

(D) Probation.

(E) Public health.

(F) Substance use disorder services.

(G) The sheriff and local police departments.

(H) The County Superintendent of Schools.

(I) The presiding juvenile court judge.

(J) The public defender.

(2) The county interagency protocol shall be developed by a team led by a representative appointed by the director of the county human services department and shall include representatives appointed by the director of each of the agencies listed in paragraph (1).

(3) The county shall ensure input into the development of local protocols from local service providers specializing in services to victims of rape and sexual assault, runaways and homeless youth, youth advocates, survivors of trafficking, and others as deemed appropriate.

(b) At a minimum, the interagency protocol shall address the provision of services to child trafficking victims, including but not limited to, all of the following:

(1) Identifying at least one representative from each county agency noted in subdivision (a) to serve as a point of contact with specialized training on serving victims of trafficking or commercial sexual exploitation.

(2) The use of a multidisciplinary collaborative team approach to provide coordinated case management, service planning, and services to minors. A multidisciplinary team serving a minor pursuant to this section shall include, but not be limited to, appropriate staff from the county child welfare, probation, mental health, substance use disorder, and public health departments. As warranted, the multidisciplinary team may also include representatives from local law enforcement, prosecutors, and defense attorneys, attorneys representing children, federal law enforcement, school-based personnel, and community-based providers, as determined by local protocols.

~~(e) The protocol shall describe how the county will adhere to the following principles in serving this population:~~

~~(1) View trafficked minors or commercial sexually exploited youth as victims, not criminals, avoiding arrest and detention whenever possible.~~

~~(2) Provide youth with “victim-centered” and trauma-informed care and services.~~

~~(3) Make youth safety a key concern.~~

~~(4) Treat victims with respect and take into account their cultural and linguistic needs.~~

~~(5) Support continuous quality improvement based on available data, research, and experience to improve system response and better outcomes for child victims of trafficking or commercial exploitation.~~

~~(6) Involve human trafficking victims in the providing of supportive services.~~

~~(7) Provide recommendations and updates to the State Plan to Serve and Protect Child Trafficking Victims, as described in Chapter 4 (commencing with Section 2200) of Division 2.5.~~

SEC. 7. The Legislature finds and declares all of the following:

(a) The Legislature recognizes the complex nature of human trafficking and the unique needs of trafficking victims. It is the intent of the Legislature to provide services to and treatment for all trafficked minors in the state, including those who are trafficked for the purposes of forced labor.

(b) The State of California recognizes the work done on behalf of commercially sexually exploited children (CSEC) and the progress that has been made to identify this population and to understand and serve the unique needs of CSEC.

(c) While CSEC and labor-trafficked minors may experience similar instances of abuse and sexual assault, the manifestation of sexual exploitation and forced labor trafficking are often different. It is the intent of the Legislature to identify the particular circumstances and issues facing labor-trafficked minors in order to best address the unique needs of this population.

SEC. 8. Chapter 4 (commencing with Section 2200) is added to Division 2.5 of the Welfare and Institutions Code, to read:

CHAPTER 4. LABOR TRAFFICKING OF MINORS

2200. (a) *The State Department of Social Services, in consultation with the California Child Welfare Council, the State Department of Health Care Services, the Children and Family Services Division of the State Department of Social Services, the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and the State Department of Education, as well as stakeholders who are responsible for addressing the needs of this population, including, but not limited to, local government agencies, human trafficking service providers, the County Behavioral Health Directors Association of California, county probation officers, the County Welfare Directors Association of California, district attorneys, public defenders, youth advocates, juvenile court representatives, and human trafficking survivors, shall submit a report to the Legislature no later than July 1, 2018, that shall include all of the following:*

(1) *A description of efforts already underway to address labor trafficking of minors, including efforts funded by federal moneys, and any outcomes resulting from those efforts.*

(2) *A detailed plan for how the State Department of Social Services, in conjunction with the California Health and Human Services Agency and other entities as necessary and appropriate, will address labor trafficking of minors in a similar fashion to the approach taken by the existing Commercially Sexually Exploited Children Action Team under the jurisdiction of the California Child Welfare Council. The plan shall include all of the following:*

(A) *Methods for identification and assessment of labor-trafficked minors and related data collection.*

(B) *A description of existing services for labor-trafficked minors and identification of additional services needed to address the unique needs of this population.*

(C) *A description of the ways in which implementation of the plan will coordinate with existing Commercially Sexually Exploited Children Action Team efforts and ongoing Continuum of Care Reform implementation.*

(b) (1) *A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.*

(2) Pursuant to Section 10231.5 of the Government Code, this Chapter is repealed on January 1, 2021.

SEC. 9. Section 16206 of the Welfare and Institutions Code is amended to read:

16206. (a) The purpose of the program is to develop and implement statewide coordinated training programs designed specifically to meet the needs of county child protective services social workers assigned emergency response, family maintenance, family reunification, permanent placement, and adoption responsibilities. It is the intent of the Legislature that the program include training for other agencies under contract with county welfare departments to provide child welfare services. In addition, the program shall provide training programs for persons defined as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The program shall provide the services required in this section to the extent possible within the total allocation. If allocations are insufficient, the department, in consultation with the grantee or grantees and the Child Welfare Training Advisory Board, shall prioritize the efforts of the program, giving primary attention to the most urgently needed services. County child protective services social workers assigned emergency response responsibilities shall receive first priority for training pursuant to this section.

(b) The training program shall provide practice-relevant training for mandated child abuse reporters and all members of the child welfare delivery system that will address critical issues affecting the well-being of children, and shall develop curriculum materials and training resources for use in meeting staff development needs of mandated child abuse reporters and child welfare personnel in public and private agency settings.

(c) The training provided pursuant to this section shall include all of the following:

- (1) Crisis intervention.
- (2) Investigative techniques.
- (3) Rules of evidence.
- (4) Indicators of abuse and neglect.
- (5) Assessment criteria, including the application of guidelines for assessment of relatives for placement according to the criteria described in Section 361.3.

1 (6) Intervention strategies.

2 (7) Legal requirements of child protection, including
3 requirements of child abuse reporting laws.

4 (8) Case management.

5 (9) Use of community resources.

6 (10) Information regarding the dynamics and effects of domestic
7 violence upon families and children, including indicators and
8 dynamics of teen dating violence.

9 (11) Post-traumatic stress disorder and the causes, symptoms,
10 and treatment of post-traumatic stress disorder in children.

11 (12) The importance of maintaining relationships with
12 individuals who are important to a child in out-of-home placement,
13 including methods to identify those individuals, consistent with
14 the child's best interests, including, but not limited to, asking the
15 child about individuals who are important, and ways to maintain
16 and support those relationships.

17 (13) Instruction on cultural competency and sensitivity and
18 related best practices for providing adequate care to child
19 trafficking victims.

20 (14) The legal duties of a child protective services social worker,
21 in order to protect the legal rights and safety of children and
22 families from the initial time of contact during investigation
23 through treatment.

24 (15) The information described in subdivision (d) of Section
25 16501.4.

26 (d) The training provided pursuant to this section may also
27 include any or all of the following:

28 (1) Child development and parenting.

29 (2) Intake, interviewing, and initial assessment.

30 (3) Casework and treatment.

31 (4) Medical aspects of child abuse and neglect.

32 (e) The training program in each county shall assess the
33 program's performance at least annually and forward it to the State
34 Department of Social Services for an evaluation. The assessment
35 shall include, at a minimum, all of the following:

36 (1) Workforce data, including education, qualifications, and
37 demographics.

38 (2) The number of persons trained.

39 (3) The type of training provided.

(4) The degree to which the training is perceived by participants as useful in practice.

(5) Any additional information or data deemed necessary by the department for reporting, oversight, and monitoring purposes.

(f) The training program shall provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. The training shall be developed in consultation with the Child Welfare Training Advisory Board and domestic violence victims' advocates and other public and private agencies that provide programs for victims of domestic violence or programs of intervention for perpetrators.

~~SEC. 10. Section 16540 of the Welfare and Institutions Code is amended to read:~~

~~16540. The California Child Welfare Council is hereby established, which shall serve as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children and youth in the child welfare and foster care systems. The council shall monitor and report the extent to which child welfare and foster care programs and the courts are responsive to the needs of children in their joint care. The council shall issue advisory reports whenever it deems appropriate, but in any event, no less frequently than annually, to the Governor, the Legislature, the Judicial Council, and the public. A report of the Child Welfare Council shall, at a minimum, include recommendations for all of the following:~~

~~(a) Ensuring that all state child welfare, foster care, and judicial funding and services for children, youth, and families is, to the greatest extent possible, coordinated to eliminate fragmentation and duplication of services provided to children or families who would benefit from integrated multiagency services.~~

~~(b) Increasing the quality, appropriateness, and effectiveness of program services and judicial processes delivered to children, youth, and families who would benefit from integrated multiagency services to achieve better outcomes for these children, youth, and families.~~

~~(c) Promoting consistent program and judicial excellence across counties to the greatest extent possible while recognizing the~~

1 demographic, geographic, and financial differences among the
2 counties.

3 (d) Increasing collaboration and coordination between county
4 agencies, state agencies, federal agencies, and the courts.

5 (e) Ensuring that all state Title IV-E plans, program
6 improvement plans, and court improvement plans demonstrate
7 effective collaboration between public agencies and the courts.

8 (f) Assisting the Secretary of California Health and Human
9 Services and the chief justice in formulating policies for the
10 effective administration of the child welfare and foster care
11 programs and judicial processes.

12 (g) Modifying program practices and court processes, rate
13 structures, and other system changes needed to promote and support
14 relative caregivers, family foster parents, therapeutic placements,
15 and other placements for children who cannot remain in the family
16 home.

17 (h) Developing data- and information-sharing agreements and
18 protocols for the exchange of aggregate data across program and
19 court systems that are providing services to children and families
20 in the child welfare system. These data-sharing agreements shall
21 allow child welfare agencies and the courts to access data
22 concerning the health, mental health, special education, and
23 educational status and progress of children served by county child
24 welfare systems subject to state and federal confidentiality laws
25 and regulations. They shall be developed in tandem with the
26 establishment of judicial case management systems as well as
27 additional or enhanced performance measures described in
28 subdivision (b) of Section 16544.

29 (i) Developing systematic methods for obtaining policy
30 recommendations from foster youth about the effectiveness and
31 quality of program services and judicial processes, and ensuring
32 that the interests of foster youth are adequately addressed in all
33 policy development.

34 (j) Implementing legislative enactments in the child welfare and
35 foster care programs and the courts, and reporting to the Legislature
36 on the timeliness and consistency of the implementation.

37 (k) Monitoring the adequacy of resources necessary for the
38 implementation of existing programs and court processes, and the
39 prioritization of program and judicial responsibilities.

1 ~~(l) Strengthening and increasing the independence and authority~~
2 ~~of the foster care ombudsperson.~~

3 ~~(m) Coordinating available services for former foster youth and~~
4 ~~improving outreach efforts to those youth and their families.~~

5 ~~(n) Providing recommendations and updates to the State Plan~~
6 ~~to Serve and Protect Child Trafficking Victims, as described in~~
7 ~~Chapter 4 (commencing with Section 2200) of Division 2.5.~~

8 ~~SEC. 11.~~

9 ~~SEC. 10.~~ If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.